

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DATE FILED: 12/1/2020

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GALINDO GARCIA,	:	
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Plaintiff,	:	18-cv-06165 (ALC) (RWL)
-against-	:	
	:	
JOHN DOE CORP, ET AL.,	:	<u>ORDER</u>
	:	
Defendants.	:	
	:	
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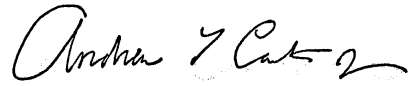
ANDREW L. CARTER, JR., United States District Judge:

The Court is in receipt of the Settlement Agreement filed by the Parties on November 30, 2020. ECF No. 71. The Court has reviewed the Settlement Agreement, as well as the accompanying fairness motion, as required by *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). Section 10 of the Settlement, “Cooperation”, indicates that “Claimants and the Company agree that the monetary sums received in settlement shall remain confidential [and] not be discussed whether written, orally, or electronically with any person(s)”. ECF No. 41-1 at 4. However, “[C]ourts in this District have repeatedly held that . . . a provision that prohibits Plaintiff’s right to discuss the settlement is incompatible with the purposes of the FLSA, namely, to ensure that workers are aware of their rights.” *Arango v. Scotts Co.*, No. 17-CV-7174 (KMK), 2019 U.S. Dist. LEXIS 2660, 2019 WL 117466, at *6-7 (S.D.N.Y. Jan. 7, 2019) (collecting cases).

The Court therefore DENIES the Parties’ request for approval of the Settlement Agreement in light of the aforementioned provision. The Parties are ORDERED to file a revised Settlement Agreement consistent with this Order or file a joint status report by December 15, 2020.

SO ORDERED.

Dated: December 1, 2020
New York, New York

A handwritten signature in black ink, reading "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge